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HISTORY OF SUDANESE SOVEREIGNTY

Introduction

The area comprised within the Anglo-Egyptian Sudan extends roughly southward from the 22nd parallel of North Latitude to the 4th parallel of North Latitude and reaches from the French Sahara of the west to Eritrea and Abyssinia in the east. This area comprises almost 1,000,000 square miles, roughly equal to the area of Central Europe, or almost four times the area of the state of Texas. The population in 1940 was estimated at 8,000,000. The people are divided into two main groups: the Islamic-Arabized inhabitants of the North, (which comprises two-thirds of the present Sudan) and the primitive Negro pagans of the equatorial region.

The Sudan is governed by a Governor-General who is appointed by the King of Egypt on the recommendation of the British Government. Supreme military and civil command and full legislative authority are vested in the Governor-General. He is assisted by an Executive Council of 12 to 18 members of whom at least half must be Sudanese. There is also a Legislative Assembly created in 1948, consisting of some seventy-five members who sit by appointment, direct or indirect elections. The country is divided into nine provinces each under a Governor with Provincial Council acting in an advisory capacity to the Governor. A 1946 report shows 785 British officials, 568 Egyptian officials, and 4,020 Sudanese officials in the Sudan administration.

Sudanese Sovereignty

In a survey of the question of sovereignty over the Sudan it soon appears that underlying the numerous and complex arguments which have been put forward on the subject during the past 70 or more years in studies by British, Egyptians, Frenchmen, Americans, Germans and others there are two main and conflicting patterns into which views on the subject have fallen. Briefly these two are the British and the Egyptian. What may be termed the "British position" is generally characterized by being based principally on the Anglo-Egyptian Treaty of 1899, by having a better juristic standing in international law than its rival, and by being the position almost always defended in the British and American works on the question.1/ The other or "Egyptian

position"

1/ In The Juristic Status of Egypt and the Sudan, for example the recent study of Vernon O'Rourke, whose conclusions are that sovereignty over the Sudan was Ottoman until 1899, jointly British and Ottoman until 1914, solely British from 1914-22, and Anglo-Egyptian since 1922.

position", which has recently showed increasing strength and dynamism, although it has its proper interpretation of the documents, tends to be founded more on geographical, sociological and cultural factors. It is most frequently advanced by Continental and Egyptian students.

The British view of the history of the sovereignty of the Sudan starts from the undisputed historical base of Ottoman imperial sovereignty over the area dating from 1517 in the case of the two Red Sea ports of Suakin (Soualkin) and Massawa and from the conquests of Mohamed Aly and his sons and generals beginning in 1820 for the remainder of the territory. This sovereignty was repeatedly asserted in successive Ottoman firmans extending over the period from 1841 to 1892. The successful revolt of the Mahdi in 1881 was first viewed by the British Government as having extinguished Turkish sovereignty in the Sudan. In an Anglo-German Agreement in 1890 they regarded part of the area as a legitimate "sphere of influence" in the traditional manner of imperial powers of that time in dealing with parts of Africa considered to be res nullius. In 1891 an Anglo-Italian protocol demarcating African spheres of influence again placed parts of the Sudan within Britain's sphere. In a few years, however, the British Government adopted a new attitude. It considered the territory to be only temporarily "in rebellion against the authority of His Highness the Khedive" and cooperated actively in its "reconquest" in his name. On the 5th of January, 1899, a few months after the recapture of the capital of the Sudan, the British consul-general from Cairo, Lord Cromer, announced in Omdurman that the new regime would be British and Egyptian in equal parts, with supreme authority vested in the Governor-General. This form of government was made official 10 days later by the signing of a treaty in Cairo, the document which has become the organic law of the Sudan. In the years since then the Sudan has been described by British statesmen as a condominium and the two jointly sovereign powers have been held to be Britain and the Khedive as vassal of the Ottoman Sultan from 1899 to 1914 and Britain and Egypt from 1914 to the present. Although no internationally recognized document has ever explicitly defined the possessor or possessors of sovereignty in the Sudan many nations have tacitly recognized the validity of the 1899 Treaty by concluding boundary, trade, and other treaties affecting the Sudan, generally with the Sudan Government and sometimes with Britain. Further support for the British position has been the fact that other powers have not effectively contested the legality of the treaty. Also it is notable that the mixed courts of Egypt accepted the status of the Sudan as defined in the treaty in a 1910 ruling to the effect that the Egyptian Government was not responsible for the actions of the Sudanese Government.

Historically

Historically the Egyptian position has conflicted with the British point of view in direct proportion as the Egyptian state has become more independent in fact. The supporting arguments find a basis for claims as far back as the early history of Egypt, recalling that the Pharaohs from 2600 B.C. onward repeatedly sent expeditions to the Upper Nile and that one ancient dynasty, the XXVth, of North Sudanese origin ruled the two lands as the same kingdom. During the Medieval period the North Sudan became substantially Arabized and was sometimes a refuge for Mamluke rulers of Egypt. Mohammed Aly's conquest in 1820 was conducted in a sense as a continuation of his subjugation of the Mamlukes, some of whom had made a stronghold of Kordofan. Thus they emphasize that the "Unity of the Nile Valley", and undisputable geographic fact, has become a cultural and to some extent political reality as well. Against the British contention that the Mahdi's revolt was due to "misgovernment" under the preceding Egyptian administration it is argued that the governing of the area was not below Ottoman standards, that successive governors effected reforms and that the weaknesses of the regime were partly due to the instability of Egypt itself caused by the Intervention of European powers. It should be noted that the Egyptian claim to be one people with the Sudanese in modern times refers to the Arabised and Islamised portion of the population and particularly to the educated or politically conscious group among them.

A telling point in the Egyptian case is that the Egyptian withdrawal from the Sudan at the time of the Mahdi's success took place in a period when British advisers were virtually in complete control of Egyptian policy and the decision to withdraw went counter to the opinions of many high Egyptian officials.

Perhaps the clearest example of British initiative in this instance was the case of Emin Pasha, the Governor of Equatoria province, who at first first refused to obey the general order to withdraw and was then commanded by Colonel Stanley to either withdraw or govern his provinces henceforward in the name of the King of the Belgians.

The 1899 agreement is also held to be of doubtful validity by the Egyptians because they allege it was signed only under duress. When the Minister to whom it was first presented, Riaz Pasha, declined to sign, he was replaced by another more cooperative Minister, Boutros Ghali. Even under the "imposed" regime of the treaty the Egyptian share of administrative offices has been considerably less than the British. The higher posts have never been occupied by Egyptians, and in 1924 Egyptian high officials were forced to withdraw together with all

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Egyptian troops and simultaneously a Sudanese Defense Force was created.

The present feeling in Egypt is that Egypt and the Sudan being parts of one kingdom should both enjoy the same international status, and that, the assertion of Egyptian sovereignty which was successful in Egypt itself in 1919 and the years immediately following is a movement which should be extended to the limits of the present boundaries of Egypt and the Sudan.

In recent years, the British Government has been actively pursuing a policy of identifying itself with Sudanese political and cultural individuality. The creation of the Legislative Assembly and the Executive Council in 1948 are evidences of this policy. However, at the present time a special Commission is considering modifications of the electoral laws and of the Executive Council and Legislative Assembly ordinances. The British position has as its principal objective Sudanese welfare and the right of the Sudan to self-determination. The British Government has on numerous occasions made clear that whatever arrangement may be agreed upon with Egypt should not interfere with these basic objectives.

In speaking before the House of Commons on July 30, 1951, Foreign Secretary Morrison said, in part, with respect to the Sudan:

> I now come to the Sudan. We are now discussing with the Egyptian Government the future of the Sudan. Here, again, we are faced with certain prejudices which prevent the Egyptian Government from approaching the problem in a realistic frame of mind. The Sudanese people, though mixed in race and religion, have advanced rapidly in the political, social and economic spheres to become a well-ordered, self-reliant community. Their mutual dependence on the waters of the Nile have linked the destinies of the Sudan inextricably with those of Egypt, and in due course we hope to see the Sudanese people choose that relationship with Egypt which best fulfils their needs. It is our aim that they should be brought as soon as possible to a stage of development in which they are able to exercise their choice in full freedom and consciousness of its implications.
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> "We are only too anxious that Egypt should play her full and proper part with us in guiding the Sudanese along the path of political evolution. To insist, however, as certain Egyptians do, that

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there is no distinction between the Sudanese and Egyptian peoples is simply to ignore the facts, and such an attitude can only tend to increase the difficulty of obtaining the close and intimate association and understanding which we should be glad to see develop between them."

The Prime Minister, speaking in the same debate on July 30, affirmed what Mr. Morrison said in the following words:

"We believe that the people of the Sudan have the right to decide their own future. The right hon.Gentleman talked about symbolic kingship and so on, but he knows the long history of the Condominium. That was taken by us purely as a symbolic gesture which we thought would be useful at the time."